



Legislative Audit Division

Performance Audit Summary

Use of Electronic Supervision Technologies

December 2006

Introduction

Section 53-1-201, MCA, states the department will use at maximum efficiency the resources of state government in a coordinated effort to develop and maintain comprehensive services and programs for adult offenders. Department goals and objectives include managing a diverse correctional population through the strategic use of department and contractor resources while improving public safety and security. This performance audit examined the Department of Corrections' (department) policy and objectives for current and future use of electronic supervision and whether changes to its use of electronic supervision technologies would increase or compromise public safety. We also examined the costs-benefits the department might realize from expanded use of electronic supervision.

Background

Electronic supervision, also commonly called electronic monitoring, refers to a wide array of electronic technologies ranging from voice recognition systems to streamline offender reporting to global position systems capable of real-time offender tracking. Correctional agencies use electronic supervision to facilitate offender treatment and reentry to communities, to increase public safety, and to address prison over crowding or reduce costs.

The types of offenders considered for electronic supervision in communities are nonviolent offenders without serious criminal histories and who pose minimal public safety risks. Other selection criteria include offender willingness to comply with supervision requirements and whether placement in the community is in the public interest. Electronic supervision is generally not used for violent or sexual offenders except when these offenders have discharged their prison sentences and will be supervised in the community.

Department Use of Electronic Supervision

The department has primarily used electronic supervision as part of the Intensive Supervision Program. The department has also implemented pilot electronic supervision programs in select areas. However, the department has not formally explored the use of electronic supervision as a standard community supervision tool.

Instead, the department has focused its resources on increasing community-based residential placements and assessment and sanction programs. Our analysis indicated the department has a population of offenders who might be supervised on electronic supervision without compromising public safety as an option to secure or residential correctional facilities and programs. ***We recommend the department develop a strategy for phasing-in and using electronic supervision technologies as a standard community supervision tool.***

Electronic Supervision and Public Safety

Based on the criteria established for an effective electronic supervision program of nonviolent offenders, we determined that there are two basic components necessary to help ensure such a program operates without compromising public safety. First, there must be a process for identifying and evaluating whether certain nonviolent offenders can be released to the community without compromising public safety. Second, there must be supervision strategies to identify potential or actual noncompliance with supervision standards and the ability to remove those offenders from Montana communities.

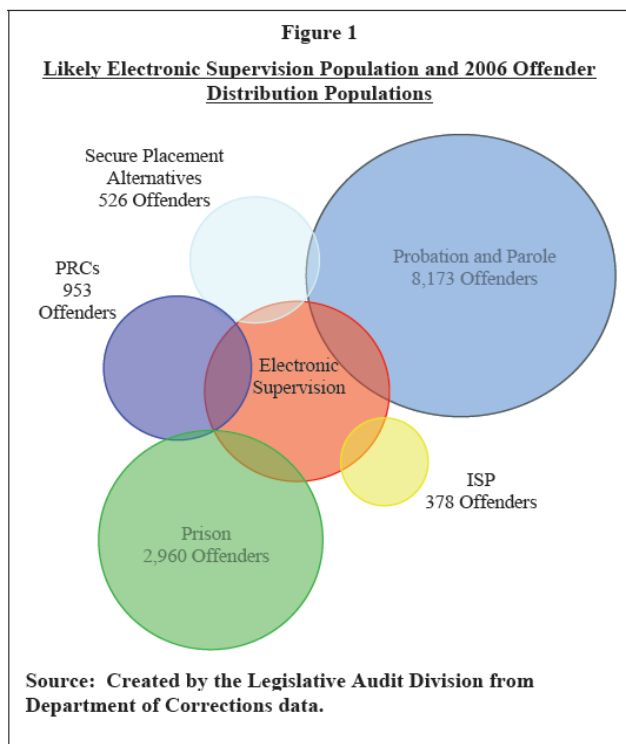
To examine these two components, we analyzed department data for 1,929 offenders committed to the department, placed in a residential placement or prison, and subsequently granted conditional releases to the community. Department data indicated 33 percent of the offenders were placed in or returned to prison for technical violations, which are violations of supervision standards and rules. However, only 2 percent, or 34 offenders, were returned to prison for new charges or convictions. The remaining 65 percent of the offenders either remain on community supervision or have since discharged their sentences.

We concluded the department has a process in place to identify and select higher risk nonviolent offenders who may be supervised in communities without compromising public safety. Also, we concluded the department's risk assessment processes and supervision efforts are capable of identifying and removing from communities those offenders engaged in behaviors that are likely to pose a risk to public safety. Because electronic supervision allows even higher levels of supervision, an overall strategy for using electronic supervision should increase the department's ability to supervise higher risk offenders while protecting public safety.

Department Could Reduce or Avoid Some Costs

We conducted a comparative cost-benefit analysis to determine whether using electronic supervision more extensively would be cost-beneficial to the department. Our analysis indicated operating costs for probation and parole supervision would increase due to impacts on probation and parole officer workload and equipment operation. We estimated the department would need approximately 1.0 FTE for every 28 offenders on electronic supervision for a year.

We also examined the number of offenders that might be served on electronic supervision, as well as the type of equipment needed. Department management estimated up to 300 offenders annually might be supervised on electronic supervision. Since it is difficult to accurately project the number of offenders that might be served, we based our analysis on more conservative estimates of up to 200 offenders serving 180 days on electronic supervision. We also assumed these offenders would otherwise be in custody or supervised at a higher supervision level. The potential electronic supervision population could come from various offender populations, as illustrated below.



We estimate the department could realize cost savings, or avoid costs, ranging from approximately \$47,000 to \$2.1 million annually. Table 3 in the full report provides information on potential cost savings or avoidance based on different scenarios.

Interviews with department and contractor personnel indicate electronic supervision provides structure and support some offenders need to comply with supervision standards, thereby reducing the likelihood some offenders

will be returned to prison. Additionally, offenders who remain in the community are more likely to support their families, to make restitution to victims, and to pay fines and court costs.

The department considers various factors when selecting the most appropriate placements for offenders. Public safety is the primary consideration, with other factors such as availability of treatment services also considered. ***Because of the potential cost savings or cost avoidance electronic supervision can provide, we recommend the department consider the cost effectiveness of electronic supervision when making offender placement decisions.***

Clarifying Department Authority to Transfer DOC Commitments in Prison to Community Settings

Existing statutes do not clearly define whether the department or the Board of Pardons and Parole (board) has jurisdiction over DOC commitments placed in prison. In 2002, the department granted almost 300 nonviolent DOC commitments in prisons a conditional release in response to prison crowding issues. However, the board contends statute only authorizes the board to grant early releases for any person in prison. The department subsequently signed an agreement with the board and established policy that all offenders could obtain an early release from prison only when granted by the board.

Department policy and practice ensures an independent entity reviews and approves all DOC commitments early release decisions. However, it also restricts the department's ability to manage offender populations and costs by transferring these offenders to less costly and more appropriate placements when the department determines public safety would not be at risk. ***We recommend the department seek legislation clarifying whether the department has the authority to transfer DOC commitments from a prison to a community corrections program without Board of Pardons and Parole approval.***

For a complete copy of the report (06P-14) or for further information contact the Legislative Audit Division at 406-444-3122; e-mail to lad@mt.gov; or check the web site at <http://leg.mt.gov/css/audit/>